

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~Applicant(s):~~

Serial No.: 10/666,696

Group Art Unit No.: 1639

Filed: September 19, 2003

Examiner: Teresa D.
Wessendorf

**For: MODIFIED PEPTIDES AS
THERAPEUTIC AGENTS**

Docket No.: A-527H

AMENDMENT AND RESPONSE

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

This is in response to the Office Communication dated August 3, 2004.

Amendments to the Specification are reflected on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks/Arguments begin on page 5 of this paper.

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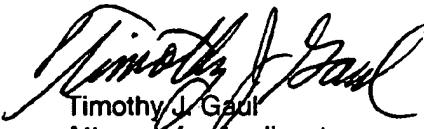
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Federal Circuit. *In re O'Farrell*, 853 F. 2d 894 (Fed. Cir. 1988). Moreover, the randomized ang-2 binding peptides used in the claimed molecules have sequences that are not tied to the Tek sequence; as noted in the specification, they can result from such techniques as phage display technology, which starts with a library of random sequences rather than variations from a known sequence having the desired activity.

Finally, the Examiner's argument ignores that Cerretti *et al.* teach a limit of variation of 10 amino acids in the Tek polypeptide sequence. The soluble Tek polypeptide taught by Cerretti *et al.* has a sequence of hundreds of amino acids. So, in its teaching of variants, Cerretti *et al.* teach not only variation of up to 10 amino acids but also adherence to a sequence of hundreds of amino acids of the soluble Tek polypeptide. Thus, Cerretti *et al.* can be read as teaching away from the claimed invention, which relies on no adherence to the Tek sequence whatsoever.

Conclusion. In light of the foregoing amendments and remarks, the Applicants respectfully request reconsideration of the Office Action, entry of all amendments, and allowance of all claims.

Respectfully submitted,



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Date: December 3, 2004

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